

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GIBSON GUITAR CORP.)	
)	
v.)	No. 3-08-0294
)	
HARMONIX MUSIC SYSTEMS,)	
INC.; MTV NETWORKS; and)	
ELECTRONIC ARTS, INC.)	

ORDER

Pursuant to the order entered May 7, 2008 (Docket Entry No. 34), counsel for the parties called the Court on May 12, 2008, at which time the following matters were addressed:

1. The plaintiff agrees that Viacom International Inc. is the proper defendant and should be substituted for defendant MTV Networks.

Therefore, the Clerk is directed to terminate MTV Networks as a defendant and counter-plaintiff in this action and to substitute therefor Viacom International Inc., which is represented by the same counsel previously listed for MTV Networks.

2. With the agreement of the plaintiff, discovery shall be held in abeyance until the resolution of the pending motions to dismiss in the case of Gibson Guitar Corp. v. Wal-Mart Stores Inc., 3-08-0279.

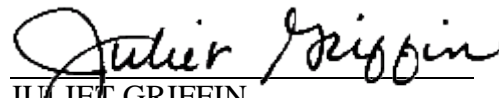
3. Consideration of consolidation of this case with the related case shall be deferred until after the resolution of the above listed motions.

4. The initial case management conference will be rescheduled, as appropriate, after the resolution of the pending motions in the related case. Entry of a case management order will be deferred until then.

5. The plaintiff shall have until June 4, 2008, to file a response to the defendants' motion for a stay pending reexamination of the patent in suit (Docket Entry No. 25). The defendant shall have until June 18, 2008, to file a reply, if necessary.

6. Counsel for the parties shall notify the office of the Magistrate Judge no later than July 24, 2008, whether the United States Patent and Trademark Office (USPTO) has agreed to reexamine Patent No. 5,990,405, upon request filed on April 24, 2008.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge